

Notice of Allowability

Application No.

10/659,086

Examiner

Katherine A. Bareford

Applicant(s)

STRANGMAN ET AL.

Art Unit

1762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to to the amendment of May 3, 2004.
2. ☒ The allowed claim(s) is/are 29-31,34-37,39-51,53 and 55-58.
3. ☒ The drawings filed on 09 September 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date attached (2)
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Shimokaji on June 23, 2004.

The application has been amended as follows:

IN THE CLAIMS:

Claim 34, line 2, "comprises" is deleted, and – is – is inserted in its place.

Claim 41, line 2, "comprises" is deleted, and – is – is inserted in its place.

Claim 47, line 2, "comprises" is deleted, and – is – is inserted in its place.

Claim 50, last line, "about" is deleted.

Claims 59-63 are cancelled.

2. The amendments to claims 34, 41 and 47 clarify that the material is yttria, corresponding to the language used in the parent claims. The amendment to claim 50 removes the term about as to the thickness, since the specification and claims as originally filed provide support for 50 mils, but not "about" 50 mils. Claims 59-63 have been canceled. The Examiner would otherwise have used *Burdette, II* (US 5338577) to reject these claims, as *Burdette* teaches the depositing of a thermal barrier layer followed by a layer of alumina, which would act as a

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carbon deposit inhibiting material (see column 3, lines 40-60), and that the alumina can be applied by plasma spraying (see column 8, lines 15-35).

3. The May 3, 2004 and the Examiner's Amendment above overcome all of the outstanding objections and rejections. As to the specification, it has been amended to provide reference to the patent number of the parent case. As to the 35 USC 102 rejections using Bruce, the Examiner notes that independent claims 29, 42 and 57 provide that the carbon deposit inhibiting material is yttria or lanthanum oxide, not the alumina applied by Bruce. The other independent claim, claim 50, provides a coating thickness far greater than that applied by Bruce. As a result, the features of the claims are not taught or suggested by Bruce. As to the 35 USC 102 and 103 rejections using Subramanian, the Examiner notes that this reference does not teach or suggest a coating thickness as in claim 50 and that it does not teach the lanthanum oxide as claimed in the present claims due to the pyrochlore material applied.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katherine A. Bareford whose telephone number is (571) 272-1413. The examiner can normally be reached on M-F(6:30-4:00) with the First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shrive P. Beck can be reached on (571) 272-1415. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and for After Final communications.

Other inquiries can be directed to the Tech Center 1700 telephone number at (571) 272-1700.

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Furthermore, information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kath A/B/S
KATHERINE A. BAREFORD
PRIMARY EXAMINER
GROUP 4100 1700